IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

Bail Appl..No. 668 of 2007()

CRIME NO.398/02 OF KASBA POLICE STATION.

: PETITIONERS

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1. P.HAMSA @ MANU, S/O. ALAVI,
   AGED 45 YEARS, PANCHILI, BEEMANADU AMSOM,
   VADASSERY, MANNARKADU TALUK, PALAKKAD.

2. M.ALAVI, S/O. MOHAMMED, AGED 28 YEARS,
   MANNAM PADIKKAL, ARAKKAPARAMBU,
   PERINTHALMANNA, MALAPPURAM.

BY ADV. SRI.K.A.HASSAN

RESPONDENT/STATE:

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1. STATE OF KERALA

2. CIRCLE INSPECTOR OF POLICE,
   KASBA, KOZHIKODE CITY, BOTH REPRESENTED BY
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 668 OF 2007

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DATED THIS THE 6th DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused 2 and 3 in Crime No.398/02 of Kozhikode Kasba Police Station for offences punishable under sections 468, 471, 419 and 420 read with section 34 IPC, seek anticipatory bail.

2. Presumably, consequent on the non-appearance of the petitioners before the C.J.M., Kozhikode in C.C.No.121/04, non-bailable warrants of arrest are pending against the petitioners. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate concerned and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed after examining the grievance of the petitioners that they did not receive summons.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn